

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:22-cv-00658-FDW-DSC

ALBERT C. BURGESS, JR.,)
Plaintiff,)
vs.) ORDER
RUGBY LABORATORIES, INC., and)
MYLAN PHARMACEUTICALS, INC.,)
Defendants.)

THIS MATTER is before the Court on Defendant Mylan Laboratories' "Miscellaneous Filing" of a letter seeking clarification of this Court's prior Order, (Doc. No. 9), directing Defendants to file an Answer to the Complaint. (Doc. No. 10). In light of the nature of that letter, the Court construes it as a Motion for Reconsideration and GRANTS IN PART Defendant's request to reconsider the prior Order advising Plaintiff to respond to the motion to dismiss and directing Defendants to file an Answer, (Doc. No. 9). Upon reconsideration, the Court VACATES its prior Notice and Order.

For the reasons stated in Defendants' Motions to Dismiss and, Alternatively, for a More Definite Statement, the Court GRANTS that portion of the Motions seeking a more definite statement pursuant to Fed. R. Civ. P. 12(e) and DENIES AS MOOT the motion to dismiss.

Plaintiff, who appears pro se, is hereby ORDERED to file an Amended Complaint that contains a more definite statement of his claims against Defendants no later than January 9, 2023. Because this Court is denying Defendants' motions to the extent they seek

dismissal of the Complaint, Plaintiff is hereby advised that he does not need to file a response to that Motion by January 4, 2023, as previously ordered by the Court.

IT IS THEREFORE ORDERED that the Court's prior Order, (Doc. No. 9), is VACATED.

IT IS FURTHER ORDERED that Defendants' Motions, (Doc. Nos. 4, 7), are GRANTED IN PART to the extent they seek a more definite statement and DENIED AS MOOT IN PART to the extent they seek a dismissal.

IT IS FURTHER ORDERED that Plaintiff must file an Amended Complaint by January 9, 2023. This ruling is without prejudice to Defendants' ability to reassert any arguments for dismissal of the Amended Complaint.

IT IS SO ORDERED.

Signed: December 22, 2022



Frank D. Whitney
United States District Judge

